

# Constitutional Reform

---

AUSTRALIAN DEMOCRATS ACTION PLAN  
CONSTITUTIONAL REFORM  
PRIME MINISTER & CABINET

A constitution provides a framework for government by establishing essential institutions, their powers and the relationships between the different arms of government. A constitution should also ensure the separation of powers in order to promote accountability and prevent corruption. It should express enduring civic values which unite and inspire citizens.

The Australian Democrats believe the Australian Constitution needs to be changed so that it more clearly reflects our status as an independent nation, while strengthening protection for parliamentary processes and participatory democracy. It should also recognise prior ownership of our land by the indigenous people of Australia and provide the Commonwealth with the full power it requires to protect our fragile environment.

## Constitutional deficiencies

There are a range of deficiencies in relation to our existing Constitution, for example:

- it provides for a constitutional monarchy with the monarch of another country (the United Kingdom) as our Head of State;
- there is no recognition of prior ownership of the land by the indigenous people of Australia, or their continuing rights to land and culture;
- there is no recognition of the fundamental rights and freedoms of individuals;
- the Commonwealth is not given any specific power enabling it to protect the environment and must rely on other powers, such as the corporations power, in order to introduce environmental laws;
- there is inadequate protection for the separation of powers; and
- the institutions of government are not clearly defined, for example there is no mention of the Prime Minister.

## Constitutional reform is necessary

The Australian Democrats believe that Constitutional reform is necessary because there is a need to:

- provide for an Australian Head of State;

# Constitutional Reform

---

- promote reconciliation between Australia's indigenous people and other Australians, by recognising their prior ownership and special relationship with the land, as well as their continuing rights in respect of it;
- protect the fundamental human rights of individuals against Executive infringement or legislative erosion;
- invest the Commonwealth with the power to make laws in relation to matters of environmental importance; and
- promote public confidence in the institutions of government, including the judiciary, by clarifying the powers and responsibilities of the different levels of government and the mechanisms for ensuring efficiency and accountability.

## Essential Constitutional principles

The Australian Democrats believe the Constitution should:

- recognise Australia as a sovereign, democratic and independent republic with an Australian Head of State;
- recognise Australia's indigenous people as the prior owners of the continent with a special attachment to the land and continuing rights in respect of it;
- recognise the necessity of protecting the natural environment;
- provide for a bicameral parliamentary system with a House of Representatives and Senate, elected by and responsible to the people;
- expressly entrench the roles of the three arms of government - the Judiciary, Executive and Legislature – and the separation of powers between them, including the accountability of the Executive government to the Parliament and the people; the role of the Parliament to make laws by processes that are transparent, accessible and public; the independence and impartiality of the judiciary; the responsibility of the High Court to interpret and apply the Constitution; and the responsibility and role of each of the three arms of government to act as a check and balance on each other; prescribe the rule of law as a governing principle for Australia and require that everyone be treated equally before the law; and protect the fundamental human rights and freedoms of every individual.



### CONTACT US

(03) 9416 1880

Lv 1, 62 Wellington Parade, East Melbourne VIC 3002

[inquiries@democrats.org.au](mailto:inquiries@democrats.org.au)

Authorised by Jack Evans, 5 Poinciana Place, Wanneroo WA 6065  
Printed by Senator Lyn Allison, Parliament House, Canberra ACT 2600